



STATE OF NEW YORK

UNEMPLOYMENT INSURANCE APPEAL BOARD

PO Box 15126

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DECISION OF THE BOARD

Mailed and Filed: DECEMBER 13, 2022

IN THE MATTER OF:

Appeal Board No. 625589

PRESENT: MICHAEL T. GREASON, MEMBER

In Appeal Board Nos. 625589 and 625590, the Commissioner of Labor appeals from the decisions of the Administrative Law Judge filed August 25, 2022, which overruled the initial determinations holding the claimant ineligible to receive benefits, effective May 31, 2021 through June 6, 2021, on the basis that the claimant failed to certify for the benefit period within the seven-day period for such certification; and holding the claimant ineligible to receive benefits, effective June 7, 2021 through September 5, 2021, on the basis that the claimant did not comply with registration requirements.

At the combined telephone conference hearings before the Administrative Law Judge, all parties were accorded a full opportunity to be heard and testimony was taken. There was an appearance by the claimant.

The Board considered the arguments contained in the written statement submitted on behalf of the Commissioner of Labor.

Based on the record and testimony in this case, the Board makes the following

FINDINGS OF FACT: The claimant filed a claim for benefits on December 27, 2019. The claimant received

and read the Claimant Handbook. The claimant was aware that she was required to certify each week to receive benefits.

On December 28, 2020, the claimant filed a new claim for benefits after the claim she filed on December 27, 2019 had expired. After filing the new claim,

she received information that her benefit year ending date was in March 2021.

In March 2021, the claimant filed a new claim. She then began receiving requests for documentation from the Department of Labor. Subsequently, the claimant called the Department of Labor to get clarification regarding her claim but was unable to reach anyone. She continued to certify for benefits for each week through the week ending May 30, 2021. She stopped certifying for benefits beginning June 2, 2021, because she believed that she was messing up the system. She tried to contact the Department of Labor about 30 times during this period but was unable to speak with anyone.

OPINION: The credible evidence establishes that the claimant failed to certify and register for benefits for the period of May 31, 2021 through September 5, 2021. We have previously held that good cause exists to excuse a failure to certify or a failure to register when the record establishes that the failure to comply was through no fault of the claimant (Appeal Board No. 556203). In this case, the claimant was aware that she was required to certify each week to receive benefits and she was able to successfully certify for benefits every week between March 1, 2021 to May 30, 2021. She admittedly stopped certifying for benefits between June 2, 2021 to September 5, 2021, because she believed that she was "messing up the system." However, there is no evidence that the claimant could not certify for benefits nor that she was advised by the Department of Labor to stop certifying for benefits each week or received misinformation from the Department of Labor. While the claimant may have been confused about her claim, such reason does not constitute good cause to excuse her failure to certify or register for benefits as required. Under these circumstances, we conclude that the claimant has failed to establish good cause for her failure to register and certify for benefits during the period in question. Her failure to register and her failure to certify during the period are not excused. We, therefore, conclude that the claimant is not eligible to receive benefits for the period beginning May 31, 2021 and ending September 5, 2021.

DECISION: The decision of the Administrative Law Judge is reversed.

In Appeal Board Nos. 625589 and 625590, determinations holding the claimant ineligible to receive benefits, effective May 31, 2021 through June 6, 2021, on the basis that the claimant failed to certify for the benefit period within the seven-day period for such certification; and holding the claimant ineligible to receive benefits, effective June 7, 2021 through September 5,

2021, on the basis that the claimant did not comply with registration requirements, are sustained.

The claimant is denied benefits with respect to the issues decided herein.

MICHAEL T. GREASON, MEMBER